

Town of Hopkinton, New Hampshire
Minutes of the Annual Town Meeting
March 13, 2010

Moderator Gary Richardson called the 245th annual meeting of the Town of Hopkinton to order on March 13, 2010, at 9:07 a.m. in the Hopkinton High School gymnasium.

Kathy Donohoe sang the National Anthem. Police Chief Stephen Pecora led the Pledge of Allegiance.

The moderator introduced the officials present: Selectmen Chairman Scott Flood, Selectman Thomas Congoran, Selectman James O'Brien, Selectman George Langwasser, Selectman Christopher Lawless, Town Administrator Neal Cass and Finance Director Robert Blanchette.

The moderator introduced those at the Supervisor's Table—Carol McCann, Sandra Smart, Sharon Baker and Bonnie Cressy—and introduced the Town Clerk/Tax Collector, Sue Strickford, and her assistant, Patrice La Vigne.

The moderator called on Chairman Congoran for the purpose of making a special presentation.

Chairman Congoran said he has been in town since 1987 and recognized the benefit of small town living. He said volunteerism is evident in small towns and helps sustain the town itself. In particular, John and Barbara Boatwright were long-time residents and great examples of the town's volunteers. John served as the interim town administrator on a volunteer basis, for instance, and the couple served in many other roles.

The moderator called on Selectman Langwasser for the purpose of making another special presentation.

Selectman Langwasser recognized Dr. J. Howard Lightfoot, who died last year. From the time Dr. Lightfoot moved to Contoocook in 1946, he served as the town physician for many residents, making house calls, delivering babies and administering school vaccinations. Selectman Langwasser said it is an honor to honor him and he will be missed.

The moderator recognized those who helped with the meeting logistics, including Rick Fortier and the custodial staff at the school, Dan Lux for doing the sound and the Highway Department for helping to set up the room.

The moderator read the results of Tuesday's election.

FOR SCHOOL BOARD For Three Years, One Elected
David Luneau 736 elected

FOR SCHOOL BOARD For One Year, One Elected
William Jones 664 elected

FOR SCHOOL CLERK For One Year, One Elected
Elaine Loft 757 elected

FOR SCHOOL MODERATOR For One Year, One Elected
Edward Kaplan 760 elected

FOR SCHOOL TREASURER For One Year, One Elected
David Mac Kenzie 716 elected

SB2 failed 309 YES 510 NO

FOR SELECTMEN For Three Years, Two Elected
Bryan Pellerin 557 elected
Thomas Congoran 518 elected
Kenneth R. Soucy 229
Jason Lacombe 182

FOR MODERATOR For Two Years, One Elected
Gary B. Richardson 764 elected

FOR TOWN CLERK/ TAX COLLECTOR For Three Years, One Elected
Sue B. Strickford 833 elected

FOR SUPERVISOR OF THE CHECKLIST For Six Years, One Elected
Carol A. McCann 734 elected

FOR BUDGET COMMITTEE For One Year, One Elected
Don Lane 691 elected

FOR BUDGET COMMITTEE For Three Years, Three Elected
Janet Krzyzaniak 526 elected
Timothy Carney 455 elected
Karen Irwin 441 elected
Sam Delgado 333
Scott Flood 330

FOR LIBRARY TRUSTEE For Three Years, One Elected
Jeff Eitreim 695 elected

FOR CEMETERY TRUSTEE For Three Years, One Elected
Patti Cass Smith 738 elected

FOR TRUSTEE OF TRUST FUNDS For One Year, One Elected
Richard I. Gourley 720 elected

FOR TRUSTEE OF TRUST FUNDS For Three Years, One Elected
Christine Barton 691 elected

Article 2: To see what action the Town will take with respect to the following proposed amendments to the Hopkinton Zoning Ordinance by ballot vote upon the following questions:

1. Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board (4-0) for the Town of Hopkinton Zoning Ordinance as follows:

Amend Section XV, 15.8.3 Variances by replacing the criteria required to demonstrate an “unnecessary hardship” with the new statutory definition RSA 674:33, I (b), effective January 1, 2010. (*Recommended by the Planning Board*).
YES-569, NO-155 — **Passed**

2. Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board (4-0) for the Town of Hopkinton Zoning Ordinance as follows:

Amend Section XV, 15.38.3 Variances by omitting language with respect to decisions of the Board of Adjustment being based on evidence presented, rather than allegations contained in the application. (*Recommended by the Planning Board*).

YES-645, NO-127 — **Passed**

3. Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board (4-0) for the Town of Hopkinton Zoning Ordinance as follows:

Amend Section XVII, Floodplain Development Ordinance by updating the effective date of the Flood Insurance Study and Flood Insurance Rate Maps so that all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its “Flood Insurance Study of the County of Merrimack, NH” dated April 19, 2010, together with the associated Flood Insurance Rate Maps dated April 19, 2010, are declared to be part of the Hopkinton Floodplain Development Ordinance. This amendment is necessary in order for Hopkinton to remain enrolled in the National Flood Insurance Program (NFIP). (*Recommended by the Planning Board*).

YES-741, NO-56 — **Passed**

Article 3: Shall we adopt the provisions of RSA 40:13 (known as SB2) to allow official ballot voting on all issues before the Town of Hopkinton on the second Tuesday in March?
(3/5 Ballot Vote Required)

The Board of Selectmen does not recommend this article (3-1).

YES-289, NO-547 — Failed

The moderator went over parliamentary procedures, noting that only one amendment can be made at a time and complicated amendments need to be written out and given to the moderator. A written ballot vote can be requested for any article, but must be submitted by petition and signed by 5 voters who are present. The moderator added that the motion to reconsider can be made at any time, but bond issues cannot be reconsidered for 7 days. He reminded voters to please use the microphone when speaking and state name clearly.

Article 4: The moderator called on Selectman Flood for the purpose of moving Article 4, seconded by Chairman Congoran, to see if the Town will vote to raise and appropriate the sum of **\$350,000** for the engineering, design and installation of a community well on the east Penacook Road and the construction and engineering required to connect the homes in the areas to the well, and to authorize the issuance of not more than \$350,000 of bonds or notes in accordance with the provisions of the Municipal finance Act (RSA 33) and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon.

(2/3 Majority Ballot Vote Required)

The Board of Selectmen recommends this article (4-0).

The Budget Committee recommends this article (6-2).

Selectman Flood reminded voters that there is a handout for this article. He said there is a contamination problem involving 1,4-Dioxane affecting the private wells of residents near the closed landfill on East Penacook Road. The Town can only assume it is coming from the transfer station and has tried to fix the problem and provides bottled water for drinking to the affected homes. However, the NH Department of Environmental Services said Hopkinton is required to find a “permanent” solution, instead of this “temporary” solution, or else the Town could be subject to court action. Selectman Flood said the Town reviewed many options, including extending the water line from the Contoocook Village precinct. However, installing a new bedrock water supply well (community well) appears to have the most potential for success. Although the preliminary cost for the community well was approximately \$658,000, Hopkinton’s Public Works Department will do much of the labor, lowering the cost to \$350,000.

The moderator opened the article for discussion and noted that because it is a bond issue, polls will remain open for an hour.

Steve Clough, Assistant Superintendent of Public Works/Waste, said he has been working with the Selectmen on the project. He assured the public that even though the department will take a lot of the work related to this project, they will still complete other duties in their regular work schedule. If the article passes, work would begin in April or May, whenever the ground softens, and end by October or November.

David Hughes said he lives near that area and asked what happens if his road becomes contaminated.

Selectman Flood said the system is designed to accommodate future homes and can drill more wells should the problem spread.

Kimberly Martel asked how much the system would cost to maintain.

Selectman Flood said there will be other expenses in the future that will be factored into the town budget, noting that he did not think they would be substantial.

Cameron Ford asked about building homes on open land in the area.

Chairman Congoran said that was an issue that will need addressing. Right now, they cannot prevent new homes from being built. He said once the well is installed and the problem with the existing homes is solved, they will look into avoiding new exposure.

John Carr said he is worried about providing “free water” to the homes because his well was not free.

Chairman Congoran said the difference is that these homeowners did drill their wells and the Town unintentionally contaminated them so they could not be used. Since it is the Town’s problem, the Town must fix it.

Mike Morris asked what happens if we have the same problem in five years and is there anything we can do now to avoid such problems.

Selectman Flood said there are expensive studies that can be conducted, but the state and Town decided not to do these.

Glen Ohlund claimed that this was not a permanent solution and just a band-aid and wanted to know what the long-range solution would be.

Selectman Flood said there was no known scientific solution for 1,4 Dioxane. This is the only possible solution besides providing the bottled water.

David Lancaster asked what happens if the Town votes not to pass the bond.

Selectman O’Brien said the Selectmen will continue to work with the Department of Environmental Services on solutions, but the state may ultimately force the town to pay.

Steve Clough stressed that the wells close to the area have been tested and are fine.

Arnold Coda asked what the problems with 1,4 Dioxane were.

Selectman Flood said he believed that it was a potential carcinogen.

The moderator opened the polls at 10:08 a.m. and reminded voters that he will continue the meeting, but the polls would remain open until 11:08 a.m.

The final count for Article 4 was 453 YES votes, 56 NO votes, which was read after Article 15. There were 509 total voters; needed 338 to pass.

The moderator declared Article 4 passed.

Article 5: The moderator called on Chairman Congoran for the purpose of moving Article 5, seconded by Selectman Langwasser, to see if the Town will vote to raise and appropriate the budget committee’s recommended amount of **\$1,041,158** for General Government Operations.

<u>General Government Functions</u>	<u>Budget Committee</u>	<u>Selectmen</u>
Executive	\$ 224,951	\$ 224,951
Election, Registrations, Vital Stats. & Tax Coll.	250,000	250,000
Financial Administration	112,754	112,754
Assessing	57,458	57,458
Legal	35,000	35,000
Personnel Administration	83,696	24,000
Planning & Zoning Departments	108,294	108,294
Cemeteries	44,349	44,349
Insurance	122,656	122,656
Economic Development Committee	2,000	2,000
Total	\$ 1,041,158	\$ 981,462

(Majority vote required)

The Board of Selectmen recommends \$ 981,462 (3-1).

The Budget Committee recommends this article (5-3).

Chairman Congoran made a motion to amend the budget article from \$1,041,158, to \$981,462. Selectman O'Brien seconded the motion.

Chairman Congoran said the Selectmen offered a budget without cost-of-living increases for the Town employees, while the Budget Committee recommended the increases. He said the Selectmen's intentions had nothing to do with the employees, just that the state will continue to require services, but with reduced funding. He said the Selectmen were trying to be financially prudent.

Patrice Gerseny of the Budget Committee said they added the 2.5 percent increase for Town employees, knowing the school district approved teachers' raises and that there was no increase in 2009. She said they wanted to keep the budget low and found other recommendations that would do that.

Selectman Langwasser said even though he seconded the article, he is in favor of the increases, especially since the Town saw fit to give teachers the raises.

Arnold Coda asked how much employees contribute to their medical insurance.

Selectman O'Brien said 7.5 percent.

Town Administrator Neal Cass said the percent employees are contributing will not change, but the cost of insurance will go up this year.

The moderator called for a voice vote on the motion to amend the amount and declared the motion failed. He opened the floor to further discussion.

There was no more debate on this article.

The moderator called for a voice vote and declared Article 5 passed.

Article 6: The moderator called on Chairman Congoran for the purpose of moving Article 6, seconded by Selectman O'Brien, to see if the Town will vote to support the Board of Selectmen's recommendation to change the Fire Chief position from part-time to full-time. The Fire Chief shall be appointed for an indefinite period of time and the tenure of the office shall depend upon good conduct and efficiency.

(Majority Vote Required)

The Board of Selectmen recommends this article (3-1).

Chairman Congoran said there is a need for a full-time fire chief. After the deputy chief retired, that money was used for a part-time position, but now there is more of a need.

Cameron Ford asked if the Town was under legal obligation to have a full-time fire chief.

Chairman Congoran said no, but the Selectmen still felt it was an obligation in some sense.

The moderator called for a voice vote and declared Article 6 passed.

Article 7: The moderator recognized Selectman Langwasser for the purpose of moving Article 7, seconded by Chairman Congoran, to see if the Town will vote to raise and appropriate the sum of **\$1,420,141** to defray the cost of Public Safety Operations:

<u>Public Safety Operations</u>	<u>Budget Committee and Selectmen</u>
Police Department	\$ 663,119
Animal Control	7,084
Ambulance	525,953
Fire Department	215,209
Rescue Squad	8,775
Emergency Management	<u>1</u>
TOTAL	\$ 1,420,141

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

Budget Committee recommends this article 5-2 with 1 abstention.

Arnold Coda asked why the Budget Committee voted 5-2 for this article.

The moderator asked for a representative from the Budget Committee to stand up.

Patrice Gerseny of the Budget Committee said the two members who voted against did so only as a statement and were not in agreement with most of the budget.

The moderator called for a voice vote and declared Article 7 passed.

Article 8: The moderator recognized Selectman O'Brien for the purpose of moving Article 8, seconded by Selectman Lawless, to see if the Town will vote to raise and appropriate the budget committee's recommended amount of **\$2,007,924** for Public Works Operations.

<u>Public Works Operations</u>	<u>Budget Committee</u>	<u>Selectmen</u>
Highway Administration	\$ 541,636	\$ 541,636
Highways & Streets	526,268	556,268
Buildings & Grounds	212,082	222,082
Street Lighting	1,650	1,650
Transfer Station Operations	568,161	578,161
Landfill Maintenance & Monitoring	50,700	50,700
Sewer Department	<u>107,427</u>	<u>107,427</u>
TOTAL	\$ 2,007,924	\$ 2,057,924

(Majority Vote Required)

The Board of Selectmen recommends \$ 2,057,924 (4-0).

The Budget Committee recommends this article (5-4).

Selectman O'Brien made a motion to increase Article 8 from \$2,007,924 to \$2,057,924. Selectman Lawless seconded the motion.

Selectman O'Brien said the Budget Committee reduced the cost of this budget in order to account for employee cost-of-living increases. However, he said the Public Works budget continually is cut into and we should not decrease it.

David Lancaster, a member of the Budget Committee, said he was one of the members that voted against the decreased amount. If the Town voted to give employees raises, as they did, then the Town needs to pay for them.

The moderator called for a voice vote twice on the motion to amend the article and said it was too close to tell. He then called for a standing vote. The moderator said it looked like the ays had the vote, but counters may have miscounted, so he called for a third voice vote instead of recounting. The moderator declared the motion to amend passed.

The moderator called for a voice vote on Article 8, as amended, and declared it passed.

Article 9: The moderator called on Selectman Lawless for the purpose of moving Article 9, seconded by Selectman Langwasser, to see if the Town will vote to raise and appropriate the Budget Committee's recommended amount of **\$124,699** for Health and Human Services Operations.

<u>Health & Human Services Operations</u>	<u>Budget Committee and Selectmen</u>
Community Action Program (CAP)	\$ 5,552
Human Services Administration	64,147
Human Services Vendors	<u>55,000</u>
TOTAL	\$ 124,699

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

The Budget Committee recommends this article (8-0).

There was no debate on the article.

The moderator called for a voice vote and declared Article 9 passed.

Article 10: The moderator called on Selectman Lawless for the purpose of moving Article 10, seconded by Selectman O'Brien, to see if the Town will vote to raise and appropriate the budget committee's recommended amount of **\$125,421** for Recreation Operations.

Recreation Operations

Recreation Department

Patriotic Purposes

TOTAL

Budget Committee and Selectmen

\$ 122,671

2,750

\$ 125,421

(Majority Vote Required)

The Board of Selectmen recommends this article (3-1).

The Budget Committee recommends this article (6-2).

Dale Warner asked what the cost of the Slusser Senior Center was in this budget.

Selectman Lawless said the Senior Center budget is split between two departments—Recreation and Buildings and Grounds—and approximately \$13,000 is allotted from the Recreation budget for the operations of the Senior Center.

Arnold Coda asked why this budget is the same as last year because last year there was a big discussion about summer camp costs and how they will go down this year.

Selectman Lawless said the Recreation budget is actually lower than last year as a whole. The summer camp amount is lower and the Recreation Director made some other adjustments, but this year, all departments absorbed computer maintenance costs of \$11,110 into their budget, which is why it seems the budget is higher.

Mike Quiet asked if the budget had any money allotted for the skate park.

Selectman Lawless said there was no money in the Recreation Department budget for the skate park and Buildings and Grounds handles its maintenance.

The moderator called for a voice vote and declared Article 10 passed.

Article 11: The moderator called on Selectman Lawless for the purpose of moving Article 11, seconded by Selectman O'Brien, to see if the Town will vote to raise and appropriate the budget committee's recommended amount of **\$277,906** for the Hopkinton Library.

Library Operations

Hopkinton Library

TOTAL

Budget Committee and Selectmen

\$ 277,906

\$ 277, 906

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

The Budget Committee recommends this article (8-0).

There was no debate on this article.

The moderator called for a voice vote and declared Article 11 passed.

Article 12: The moderator called on Selectman O'Brien for the purpose of moving Article 12, seconded by Selectman Langwasser, to see if the Town will vote to raise and appropriate the budget committee's recommended amount of \$1 for Conservation.

Conservation

Conservation Commission

TOTAL

Budget Committee and Selectmen

\$ 1

\$ 1

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

The Budget Committee recommends this article (8-0).

There was no debate on this article.

The moderator called for a voice vote and declared Article 12 passed.

Article 13: The moderator recognized Selectman Flood for the purpose of moving Article 13, seconded by Chairman Congoran, to see if the Town will vote to raise and appropriate the budget committee's recommended amount of \$359,902 for payment of Principle and Interest of long-term debt.

Long-term Debt & TAN Interest

Principle – Bonds and Notes

Interest – Bonds and Notes

Interest – TAN

TOTAL

Budget Committee and Selectmen

\$ 251,432

106,470

2,000

\$ 359,902

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

The Budget Committee recommends this article (8-0).

Selectman Flood said last year the Town had to deal with shortage and flow, so this year the Selectmen paid closer attention and added tax anticipation notes in.

Arnold Coda asked what the outstanding amount of taxes was.

The Selectmen asked Tax Clerk Sue Strickford if she knew, but she did not have the exact number and said it was somewhere around \$1 million.

The moderator called for a voice vote and declared Article 13 passed.

Article 14: The moderator called on Selectman Langwasser for the purpose of moving Article 14, seconded by Chairman Congoran, to see if the Town will vote to raise and appropriate the sum of **\$209,500** to be placed in previously established Capital Reserve funds as follows:

<u>Capital Reserve Accounts</u>	<u>Amount</u>
Public Works Vehicles and Equipment	\$ 70,000
Fire Department Vehicles and Equipment	65,000
Transfer Station Equipment	27,500
Police Cruiser and Accessories Equipment	18,000
Library Replacement Building Systems	12,000
Town Hall Renovations	5,000
Sludge Removal	5,000
Police Radio Equipment Replacement	<u>7,000</u>
TOTAL	\$ 209,500

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

The Budget Committee recommends this article (5-3).

David Lancaster made a motion to amend Article 14 and increase the Public Works Vehicles and Equipment line item by \$40,000 and the Fire Department Vehicles and Equipment line item by \$35,000. Marion Paxton seconded the motion.

David Lancaster said that the taxpayers needed to think in terms of future needs. Next year's budget will have the farm and community well spending, so the Town should put these accounts back on track so there is no shortfall. By his calculations, he said the Selectmen will have to increase the budget by \$175,000 next year, so the Town should pay now instead of later.

Selectman Langwasser spoke against the amendment, saying that the Selectmen always work with the Department heads about budgets, keeping the best interest of the town in mind. The Selectmen would like to add the \$75,000, but it would not be a prudent decision. Instead, they cut back in these areas to minimize the impact on the taxpayer and keep the tax rate low. Voting for the amendment will raise taxes.

The moderator called for a voice vote on the motion to amend and declared the motion failed. He opened the floor to further amendment and discussion.

Denis Goddard asked what was expected for Town Hall renovations.

Selectman Lawless said Town Hall is not well insulated, as known for years, and the Capital Reserve funds will help fix that problem.

Dale Warner asked for clarifications on how the capital reserve funds are spent.

Chairman Congoran explained that the Town votes to fund the Capital Reserve accounts, but the individual Town Departments and the Selectmen have the authority to spend the funds.

Selectman Langwasser said if the Town does not agree with the spending, they have the opportunity to vote against funding of the Capital Reserve accounts today.

The moderator called for a voice vote and declared Article 14 passed.

Article 15: The moderator called on Selectman Langwasser for the purpose of moving Article 15, seconded by Chairman Congoran, to see if the Town will vote to establish a Capital Reserve Fund under the provision of RSA 35: 1 for the purpose of expansion of the Highway Garage, raise and appropriate the sum of **\$16,500** to be placed in the fund, and appoint the Board of Selectmen as agents to expend from this fund.

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

The Budget Committee recommends this article (7-1).

There was no debate on the article.

The moderator called for a voice vote and declared Article 15 passed.

Article 16: The moderator called on Chairman Congoran, for the purpose of moving Article 16, seconded by Selectman O'Brien, to see if the Town will vote to discontinue the Ambulance/Defibrillator Capital Reserve Fund created in 2002. Said funds are presently **\$0.00**.

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

There was no debate on this article.

The moderator called for a voice vote and declared Article 16 passed.

Article 17: The moderator called on Selectman Lawless for the purpose of moving Article 17, seconded by Selectman Langwasser, to see if the Town will vote to discontinue the Non Capital Hardware/Software Capital Reserve Fund created in 2000. Said funds, presently **\$400.00** with accumulated interest to date of withdrawal, are to be transferred to the Town's General Fund.

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

The Budget Committee recommends this article (8-0).

There was no debate on this article.

The moderator called for a voice vote and declared Article 18 passed.

Article 18: The moderator recognized Janet Krzyzaniak for the purpose of moving Article 18, seconded by Lorraine Ellis, to see if the Town will vote to raise and appropriate the sum of **\$4,000** in the interest of public health and safety to provide winter plowing and sanding on the following roads during the winter months:

South Shore Drive

1500 feet

Ridge Lane	900 feet
Rolfe Pond Road	2000 feet
Salachar Road	500 feet
Perch Lane	700 feet
Sparrow Lane	1000 feet
Robin Lane	400 feet
Loop Road (off Spring Street)	800 feet

This action shall in no way be interpreted as changing the status of these roads from “private” to “public” roads. It is the general policy of the Town that no work will be done on any private or Class VI highway.

Submitted by Petition (Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

The Budget Committee does not recommend this article (6-1 with 1 abstention).

Jayne Schoch made a motion to amend the article by omitting the last two sentences: “This action shall in no way be interpreted as changing the status of these roads from ‘private’ to ‘public’ roads. It is general policy of the Town that no work will be done on any private or Class VI highway.” State representative Derek Owen seconded the motion.

Jayne Schoch said the Town needs to look into the legal liability of this. What happens if the Town damages the property? Who is responsible? The Town? The landowner?

Selectman Flood said that regardless if we strike the language, the state statute—which the Town investigated this year—still applies and the roads are still private (Class VI), so the Town is not obligated to take care of them.

The moderator called for a voice vote on the motion to amend and the motion failed. He opened the floor to further amendment or discussion.

Tom Zlovacha submitted a written motion to amend the article and add the language: “In the interest of well being of the residents along these private roads, when the snow removal cost approaches the \$4,000 mark, the Town shall advise the 50 or so homeowners along these private roads that they should seek alternative snow removal from a private contractor along their private roadways. The Town’s cost of snow removal along these private roadways should be reported to the citizens at the next Town Meeting and subsequent meetings.” The motion to amend was seconded by Alan Martin.

The moderator called for a voice vote and declared the motion to amend failed. He opened the floor to further amendment or discussion.

Patrice Gerseny of the Budget Committee said the committee does not recommend Article 18 because the Local Government Center said it would raise the liability of the town.

The moderator called for a voice vote twice, but declared it too close to call. He called for a standing vote.

The final count of the standing vote was 261 YES and 185 NO. The moderator declared Article 18 passed.

Article 19: The moderator called on Selectman Flood, for the purpose of moving Article 19, seconded by Selectman O'Brien, to see if the Town will vote to authorize the Board of Selectmen to establish and implement a mandatory "pay by bag" program and further to adopt the provision of RSA 31:95-c for the purpose of accounting for the sale of designated solid waste bags (and/or coupons and other receipts) as budgeted annually, to be used to offset the cost of collection and disposal of residential solid waste and such other direct costs as budgeted annually. Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Pay by Bag fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue.

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

The moderator said there had been a written petition for a paper ballot vote on Article 19.

Katherine Mitchell from the Recycling Committee gave a presentation about the SMART (Save Money and Reduce Trash) program. She said in 2009, the Town only recycled 17 percent of its trash, but incinerated 3,015 tons, which cost \$223,000. The SMART program could bring the recycling rate to 40 percent and yield \$209,546 in savings. Since 1984, 47 towns have implemented similar programs and no town has rescinded its program. The program would require residents to dispose of trash in designated bags, which would be available locally and could cost \$1.25 for a 33 gallon bag or \$0.75 for a 13-gallon bag. The revenue from the bags would go into a fund to offset the transfer station cost. The target start date would be July 1, 2010.

Winnie Langley asked about residential complexes, like the Meadows, where she lives and already pays for trash removal.

Chairman Congoran said the landlord would work out the bag costs in the residents' bills.

Doug Fuller submitted a written motion to amend the language of Article 19. "To see if the Town will vote to authorize the Board of Selectmen to establish and implement a mandatory *pay as you throw* program intended to encourage recycling and reduce household waste and further to adopt the provision of RSA 31:95-c for the purpose of accounting for the receipts thereof (such as designated waste bags and/or coupons) as budgeted annually, to be used to offset the cost of collection and disposal of residential solid waste and such other direct costs as budgeted annually. A method of disposal for more bulky and/or large amounts of residential trash, without the need to bag trash, must also be available to residents at little or no direct cost to them; that cost limited to the direct cost of disposal to the Town (presently about \$0.04 per pound). Associated revenues and expenditures shall be accounted for in a

special revenue fund to be known as the *Pay as Thrown* fund, separate from the general fund.” Ben Jergesen seconded the motion.

Doug Fuller said most of the language is the same, but he wanted to have an option for other household items. He wanted the Selectmen to be able to offer coupons for items that do not fit into regular trash bags. Overall, he did not want to restrict the Town to bags.

Bob Lapree of the Recycling Committee said he did not support the amendment because it was too detailed.

Jeff Donahoe said if there were no bags, the transfer station would be even more backed up.

The moderator called for a voice vote and declared the motion to amend failed. He opened the floor to further amendment or discussion.

Steve Clough, Assistant Superintendent of Public Works/Waste, said he was not in favor of the program because the details were not yet determined. In particular, he is worried about not having enough transfer station space for the increased recycling and there are no cost details worked out.

Chairman Congoran said the Recycling Committee has been working on this program for awhile, but overall, the program will provide relief to the town. Everyone needs to pay his/her share for their garbage amount and right now, that is not the case.

Selectman Flood said they would create regulations for the program, including better enforcement at the transfer station.

Ben Jorgensen made a motion to amend Article 19 by adding the following language: “Any ‘pay by bag’ program adopted by the Town under authority of this article shall contain a requirement that the initial cost for designated bags (and/or coupons or other receipts), any tipping fees for residential trash, and any subsequent increases in the above, must be approved by a majority of the legislative body before becoming effective.” Sarah Dustin seconded the motion to amend.

Ben Jorgensen said he is worried that the cost of the bags could go up and the voters need to control this increase.

The moderator called for a voice vote on the motion to amend, but declared it too close and asked for a standing vote.

The final count for the standing vote on the motion to amend was 226 YES and 197 NO. The moderator declared the motion to amend Article 19 passed.

Chairman Congoran made a motion to amend Article 19 by adding the following language: “For 2010 only, the Board of Selectmen shall be authorized to set the above prices.” Selectman O’Brien seconded the motion to amend.

Chairman Congoran said if the article passed right now without this language, the Selectmen would not be able to implement the program, given the passed amendment.

Sarah Dustin asked if the bag prices were set already.

Chairman Congoran said the prices were only suggestions from the Recycling Committee.

Dr. Elizabeth Sanders asked to make a motion to amend the article and fix the bag prices, but the moderator said there could only be one amendment at a time. The moderator called for a voice vote on the motion to amend Article 19. On the second voice vote, the moderator declared the motion to amend passed.

Dr. Elizabeth Sanders submitted a written motion to amend Article 19 “To fix the costs of the pay by bag bags to \$1.25 for the 33 gallon bags and \$0.75 for the 13 gallon bags for the year 2010.” Katherine Mitchell seconded the motion to amend. Dr. Sanders adjusted the language a little: “To fix the costs of the pay by bag bags not to exceed \$1.25 for the 33 gallon bags and \$0.75 for the 13 gallon bags for the year 2010.” Katherine Mitchell seconded the amendment again.

Selectman Langwasser said he liked the amendment with the second change because at least the Selectmen would have flexibility in the bag prices and look for the lowest cost.

The moderator called for a voice vote and declared the motion to amend Article 19 passed.

After more debate, the moderator called for comments and discussion to end.

The moderator called for the ballot vote to take place. The final amended article was: “To see if the Town will vote to authorize the Board of Selectmen to establish and implement a mandatory ‘pay by bag’ program and further to adopt the provision of RSA 31:95-c for the purpose of accounting for the sale of designated solid waste bags (and/or coupons and other receipts) as budgeted annually, to be used to offset the cost of collection and disposal of residential solid waste and such other direct costs as budgeted annually. Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Pay by Bag fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue. Any pay by bag program adopted by the town under the authority of this article shall contain a requirement that the initial cost for designated bags (and/or coupons or other receipts), any tipping fees for residential trash and any subsequent increases in the above, must be approved by majority of the legislative body before becoming effective. For 2010 only, the Board of Selectmen shall be authorized to set the above prices. The pay by bag price is not to exceed \$1.25 for the 33-gallon bags and \$0.75 for the 13-gallon bags for the year 2010.”

The moderator called for the meeting to continue while the votes were counted. The final count for Article 19 was 259 YES and 236 NO.

The moderator declared Article 19 passed.

Article 20: The moderator called on Selectman Flood for the purpose of moving Article 20, seconded by Chairman Congoran, to see if the Town will vote to authorize the Board of Selectmen to withdraw from the Concord Regional Solid Waste/Resource Recovery Cooperative and to enter into negotiations and agree to such terms and take all actions necessary to accomplish that withdrawal; cease the use of the Concord Regional Solid Waste/Resource Recovery Cooperative and its facilities for disposal of the Town's solid waste as of May 1, 2010; direct the Board of Selectmen to appropriate no further funds for payment to the Concord Regional Solid Waste/Resource Recovery Cooperative, and direct the Board of Selectmen to remove any appropriation therefore from the annual budget; and authorize the Board of Selectmen to negotiate and enter into a new contract for the removal and disposal of solid waste from the Hopkinton/Webster transfer station with a vendor other than the Concord Regional Solid Waste/Resource Recovery Cooperative.

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

Selectman Flood amended Article 20 based on negotiations with the co-op by adding the following language. "A copy of terms for withdrawal currently under consideration by the parties has been made available and distributed at this Town Meeting. The Board of Selectmen is specifically authorized to enter into and execute an agreement under such terms (with such changes from the said terms as the Board of Selectmen shall approve, such approval to be conclusively evidenced by the Board of Selectmen's execution thereof)." Selectman O'Brien seconded the motion.

Selectman Flood briefly reviewed the handout, which explains that Concord will allow withdrawal from the co-op. He said the time has come for Hopkinton to get out because small towns have no say in the business of the co-op and the costs of solid waste disposal will keep increasing.

Dr. Elizabeth Sanders asked if the Town would be able to recycle more items if we withdraw from the Concord Co-op.

Selectman Flood said probably, but was still a complicated answer because it depended if the Town made an agreement with a single-stream facility.

Arnold Coda asked if we already entered into any contracts with a new facility.

Selectman Flood said there were none, just proposed contracts, such as with Berlin, but there were a lot of options.

Deb Augustine said it was too complicated of an issue to decide today. She did not understand why other towns were not getting out of the contract as well and what our other options were.

Chairman Congoran said the time is now. The Selectmen only had one price quote from Berlin, but were planning to get others once the town voted. The town may be able to renegotiate with Concord in the future.

The moderator called for a voice vote and declared Article 20 as amended passed.

David Lancaster made a motion to reconsider Article 19, seconded by Malcolm Merrill.

The moderator called for a voice vote and declared the motion failed.

David Lancaster made a motion to reconsider Article 20, seconded by Deb Augustine.

The moderator called for a voice vote and declared the motion failed.

Article 21: The moderator called on Selectman Langwasser for the purpose of moving Article 21, seconded by Selectman Flood, to see if the Town will vote to grant to the Board of Selectmen the discretion to sell either the “Horseshoe Tavern” building, without any land, or to sell the building with sufficient land to make a lot of record, after same is divided from the parent lot, at such time in the future as the Board of Selectmen deem advisable. The building is located at 185 Main Street, Hopkinton and listed in the Town Tax Records at Map 106, Lot 003. The resulting revenue shall be deposited in the general fund.

(Majority Vote Required).

The Board of Selectmen recommends this article (4-0).

Ron Klemarczyk asked why the Town needed to sell the building.

Selectman Langwasser said the building needed expensive repairs and the Town tried to rent it out, but no one wants it, or made a low offer. The best situation for the Town would be for someone else to take responsibility of the building.

Ron Klemarczyk asked about the septic system.

Selectman Langwasser said it was across the street, with the pump chamber under the road.

Elaine Loft asked if the sale would have restrictions because of the way the lot is divided.

Selectman Flood said there are a lot of issues that will be worked out by the Selectmen. A sale is something that needs to be attempted because right now, the Town cannot do anything else with the building.

Dan Dustin made a motion to amend Article 21 by adding the following language: “The Town will preserve Joe Derry’s horseshoe pile.” Sarah Dustin seconded the motion.

The moderator called for a voice vote on the amendment and declared it passed. He opened the floor to further amendment and discussion.

Many citizens spoke against selling the building since it was so historic.

Selectman Flood said the only option is to rent, which the Town tried to do, or sell it.

The moderator called for a voice vote twice, but declared it too close to tell. He called for a standing vote.

The final count was 139 YES and 85 NO and the moderator declared Article 21 as amended passed.

Article 22: The moderator called on Selectman Lawless for the purpose of moving Article 22, seconded by Selectman Langwasser, to see if the Town will vote to authorize the Board of Selectmen to sell to an abutter at fair market value, an approximately 68 ft. X 32 ft. portion of the property listed in the Town Tax Records as Map 101, Lot 085 as part of a lot line adjustment. Said portion is located to the rear of property listed in the Town Tax Records as Map 101, Lot 080 and between the properties listed in the Town Tax Records as Map 101, Lot 079, and Map 101, Lot 081.

(Majority Vote Required)

The Board of Selectmen recommends this article (4-0).

There was no debate on Article 22.

The moderator called for a voice vote and declared Article 22 passed.

Article 23: The moderator recognized Marion Paxton for the purpose of moving Article 23, seconded by Selectman Flood, to see if the Town will vote to rescind any and all authority granted pursuant to Article 7, of the 2003 Warrant, by the voters at the annual Town Meeting that was held in March of 2003.

Submitted by Petition (2/3 Ballot Vote Required)

The Board of Selectmen does not recommend this article (3-1).

The Budget Committee does not recommend this article (5-4).

Selectman Flood explained that Article 7 passed in 2003 allows for a simple majority vote—which he called a shortcut—when deciding to spend conservation funds on open space, instead of the two-thirds majority required for other bond issues. Selectman Flood noted he was speaking of his personal opinion, not reflective of the Selectmen.

Marion Paxton agreed and said she is in support of conservation, but not the way the Town makes conservation decisions. There is approximately \$2.7 million left in the fund and it is too tempting to spend it.

Digit Taylor argued that the process was indeed very legal and not reckless. The Open Space Committee is in place to make sure of that.

Selectman Langwasser said he is the Selectman Representative for the Open Space Committee and they do consider all factors when making their decision. He said not every piece of land they consider becomes a potential for funding after their discussions.

The moderator said there was a written request for a ballot vote. The moderator and Selectmen were uncertain if the polls needed to stay open for an hour, but he would keep the polls opened from 4 p.m. until 5 p.m., even if all business was finished. The meeting would adjourn after the final vote was read and there would be no opportunity to make a motion to reconsider the article.

The final vote was 53 YES and 193 NO.

The moderator declared Article 23 failed.

Article 24: The moderator called on Selectman O'Brien for the purpose of moving Article 24, seconded by Selectman Lawless, to see if the Town will vote to adopt the provision of RSA 36-A:4-a, I(a) to authorize the conservation commission to expend funds to purchase interests in land outside the boundaries of our municipality, subject to the approval of the local governing body?

(Majority Vote Required)

The Board of Selectmen recommends this article (3-1).

There was no debate on this article.

The moderator called for a voice vote twice and declared Article 24 passed.

Article 25: The moderator called on Selectman Flood for the purpose of moving Article 25, seconded by Selectman Lawless, to see if the Town will vote to adopt the provision of RSA 36-A: 4-a, I (b) to authorize the conservation commission to expend funds for contributions to "qualified organizations" for the purchase of property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization and the town will retain no interest in the property?

(Majority Vote Required)

The Board of Selectmen does not recommend this article (3-1).

Selectman Flood said the Town needs to understand that this article means the Conservation Committee can make contributions to a third party.

David Lancaster made a motion to amend Article 25 to make these conservation funding decisions at Town Meeting. However, Selectman O'Brien said this article cannot be amended because it is a state statute.

The moderator called for a voice vote twice, but declared it too close to call. He called for a standing vote.

The final vote was 100 YES and 82 NO.

The moderator declared Article 25 passed.

The newly elected Selectmen were sworn in after Chairman Congoran thanked Scott Flood for his service.

Article 26: To hear reports of agents, officers and committees, heretofore chosen, to pass any vote relating thereto and to transact any other business that may legally come before said meeting.

620 registered voters present
4,687 voters on the checklist

Chairman Congoran made a motion to adjourn the meeting at 5:03 p.m., seconded by Selectman Langwasser.

Respectfully submitted,

Sue B. Strickford, Town Clerk/Tax Collector